

AMENDED IN ASSEMBLY MARCH 25, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2472

Introduced by Assembly Member Huffman

February 19, 2010

An act to add Section 18941.8 to the Health and Safety Code, relating to building standards.

LEGISLATIVE COUNSEL'S DIGEST

AB 2472, as amended, Huffman. Building standards: ~~experimental green innovation~~ permit program.

The California Building Standards Law provides for the adoption of building standards by state agencies by requiring all state agencies that adopt or propose adoption of any building standard to submit the building standard to the California Building Standards Commission for approval and adoption. Existing law requires that all building standards shall be administered and enforced and, whenever practicable, written on a performance basis consistent with state and nationally recognized standards for building construction.

Existing law authorizes a city or county to make changes or modifications in the requirements contained in the provisions published in the California Building Standards Code and other specified regulations, including, but not limited to, changes or modifications to green building standards.

This bill would, notwithstanding existing law, authorize a city, county, or city and county to adopt ~~an experimental~~ *a green innovation building* permit program ~~that exempts an unspecified number of buildings from the California Building Standards Code in order to promote and facilitate innovation of and research regarding environmentally sustainable~~

building materials, methods, and designs *not yet considered or addressed in the state's building codes*. The bill would impose certain reporting requirements on the city, county, or city and county relating to the scope, designs, modifications, *administration*, and performance measures of the permit program and the permits issued.

Vote: majority. Appropriation: no. Fiscal committee: no.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. *The Legislature finds and declares all of the*
2 *following:*

3 (a) *Buildings and development have a broad range of impacts*
4 *on human health and the environment, including current and future*
5 *impacts to water quality, water supply, air quality, and the state's*
6 *natural habitats and ecosystems.*

7 (b) *A study by the United States Green Building Council*
8 *indicates that buildings in the United States account for 72 percent*
9 *of electricity consumption, 39 percent of energy use, 38 percent*
10 *of all greenhouse gas emissions, and 14 percent of potable water*
11 *consumption.*

12 (c) *In 2010, the California Building Standards Commission*
13 *adopted green building standards to address a set of risks to public*
14 *health and safety not previously considered or addressed in the*
15 *state's building codes.*

16 (d) *Future buildings will need to reach energy and water*
17 *efficiency levels far beyond present California mandatory minimum*
18 *standards in order to reduce anticipated environmental risks to*
19 *public health and safety and ensure adequate availability of critical*
20 *resources.*

21 (e) *There is currently no legal framework that allows innovative*
22 *green building technologies to be developed on a limited scale in*
23 *the field before they are allowed or mandated statewide.*

24 (f) *Local voluntary programs that provide for limited field*
25 *testing of innovative and efficient sustainable building practices*
26 *not yet considered or addressed in the California Building*
27 *Standards Code are needed to augment traditional research for*
28 *future green building standards. These programs will reduce the*
29 *imminent impacts of an expanding built environment on the state's*
30 *economy, quality of life, and natural environment, as well as*

1 *provide regulators with the opportunity to gain experience with*
2 *and contribute input to emerging technologies at a small scale*
3 *before they are called on to regulate them statewide.*

4 **SECTION 1.**

5 *SEC. 2. Section 18941.8 is added to the Health and Safety*
6 *Code, to read:*

7 ~~18941.8. (a) Notwithstanding Section 18941, a city, county,~~
8 ~~or city and county may adopt an experimental permit program that~~
9 ~~exempts up to _____ buildings from the California Building~~
10 ~~Standards Code, in order to facilitate innovation of environmentally~~
11 ~~sustainable building materials, methods, and designs.~~

12 *18941.8. (a) Notwithstanding Section 18941, a city, county,*
13 *or city and county may adopt a green innovation building permit*
14 *program to promote and facilitate innovation and research*
15 *regarding environmentally sustainable building materials, methods,*
16 *and designs not yet considered or addressed in the state's building*
17 *codes.*

18 *(b) A city, county, or city and county that adopts a green*
19 *innovation building permit program shall do all of the following:*

20 *(1) Require the building official, certified by the International*
21 *Code Council in accordance with Section 18949.28, to administer*
22 *and enforce these provisions to ensure qualified oversight of the*
23 *health and safety of buildings permitted under this section.*

24 *(2) Require environmentally sustainable building materials,*
25 *methods, or designs not yet considered or addressed in the state's*
26 *building codes, while enforcing the broader intent of the California*
27 *Building Standards Code regarding the protection of public health*
28 *and safety.*

29 *(3) Annually limit the program to a maximum of 25 new or*
30 *existing single-family detached dwellings, unoccupied accessory*
31 *buildings, or portions thereof.*

32 *(4) Require performance monitoring and reporting of each*
33 *permit under this program to the local building official for use in*
34 *assessing the success of each permit.*

35 ~~(b)~~

36 *(c) A city, county, or city and county that adopts an experimental*
37 *a green innovation permit program pursuant to this section shall*
38 *report to the Department of Housing and Community Development*
39 *and the commission on both of the following:*

1 (1) ~~No later than~~ *Within* six months after adoption of the
2 ~~experimental green innovation permit program, the local~~
3 ~~jurisdiction building official~~ shall report on the scope and
4 requirements of the program and the types of permits to be issued.

5 (2) ~~Five~~ *Three* years after the adoption of the ~~experimental green~~
6 ~~innovation permit program, the local jurisdiction building official~~
7 shall report on the types of permits issued, the number of each type
8 of permit issued, an assessment of the program's success, and
9 recommendations for future revisions to the ~~experimental permit~~
10 ~~program~~ *green innovation permit program and state building*
11 *standards.*

12 (e)

13 (d) A city, county, or city and county that adopts ~~an experimental~~
14 *a green innovation* permit program shall require that upon resale
15 of a property where ~~an experimental a green innovation~~ permit
16 has been issued, that the seller notify the buyer in writing of the
17 building designs and modifications approved under the
18 ~~experimental green innovation~~ permit program for that property.

19 ~~(d) A city, county, or city and county that adopts an experimental~~
20 ~~permit program shall require the property owners to measure and~~
21 ~~record performance data of the innovative features covered under~~
22 ~~the experimental permit.~~